

REMARKS

Applicants thank the Examiner for the courtesy of the interview held on September 3, 2009. The above amendments and following remarks are responsive to the interview and reflect the points discussed at the interview.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Claims 4, 6, 8, 10-13, 15 and 17-19 are amended. Claims 1-3, 5, 7 and 14 are cancelled. Support for amendments can be found throughout the Specification, for example on Page 5, Lines 1-15. No new matter is added.

After amending the claims as set forth above, claims 4, 6, 8-13 and 15-25 are now pending in this application.

Information Disclosure Statement

An Information Disclosure Statement is submitted herewith.

In the Office Action of February 7, 2008, the Examiner has indicated that reference C3 (FR 2 753 903) under "Foreign Patent documents" submitted with the Information Disclosure Statement filed in the above-identified application on October 11, 2007 has not been considered, because no English translation of the reference had been provided. The Examiner's attention is directed to the IDS filed on October 11, 2007, second page, where in the first paragraph under the heading "RELEVANCE OF EACH DOCUMENT" applicants indicate that document C1 = document C3. Document C1, US 6,207,438, is the U.S. equivalent to Document C3, FR 2 753 903. With the Amendment filed on May 29, 2008, Applicants further submitted an English abstract of Document C3, FR 2 753 903. Therefore, an English language equivalent document as well as an English abstract has been provided for the Examiner's consideration.

Applicants therefore submit that a *bona fide* attempt has been made to comply with § 1.98. 37 C.F.R. § 1.97 (f) reads:

If a *bona fide* attempt is made to comply with § 1.98, but part of the required content is, additional time may be given to enable full compliance.

Applicants also point out, again, that the Examiner has refused to consider references A17 and A20 cited in the Information Disclosure Statement filed in the present application on July 5, 2005, because they are not in English. It is respectfully submitted that English translations are not available for the two listed references. Applicants point out that these references were cited in the corresponding International Search Report, a copy of which was also submitted on July 5, 2005. A concise explanation of the relevance of the references may be found in the International Search Report. An initialed PTO/SB/08 indicating that the Examiner has considered and made of record references A17 and A20 cited in the IDS filed on July 5, 2005, is again solicited.

Applicants respectfully request that previously unconsidered documents identified above in the IDSs filed on July 5, 2005, and October 11, 2007, be considered by the Examiner and be made of record in the present application and that an initialed and corrected copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

Claim Objections

Claims 12 and 19 are objected to because of the informalities. Claims 12 and 19 are amendment without prejudice.

By way of this Reply, the claim objections are now moot.

Claim Rejections under 35 U. S. C. §§ 102 and 103

Claims 4 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Uehara et al. (JP 2000-119156, hereinafter “Uehara”). Claims 4, 11, 12 and 18 remain rejected under 35 U.S.C. 102(b) as being anticipated by Garlen et al. (US 4,707,354, hereinafter “Garlen”).

Claims 4, 7, 8, 11 and 14-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sei et al. (JP 2002-128651, hereinafter “Sei”), in view of Andre-Jean et al. (JP 07-145067, hereinafter “Andre-Jean”).

Independent claims 4, 12 and 19 recite “a method of inhibiting angiogenesis in a subject in need thereof...”

Uehara teaches a whitening agent comprising coix seed. Garlen teaches a cosmetic product containing silk powder as merely an auxiliary component. Sei teach to use roman chamomile as an anti-inflammatory ingredient and coicis semen as a whitening agent. Andre-Jean teaches a cosmetic composition containing Chlorella as an anti-inflammation reagent. However, all of the prior art references are completely silent regarding activities of the crude drugs for inhibiting angiogenesis.

The preamble, “in need thereof”, is not merely a statement of effect that may or may not be desired or appreciated, but rather is a statement of the intentional purpose for which the method must be performed. *Jansen v. Rexall Sundown, Inc.*, 342 F.3d 1329, 1333-34, 68 USPQ2d 1154, 1158 (Fed. Cir. 2003). The references cited by the Examiner are silent in respect of inhibiting angiogenesis. As explained above, none of these references teaches that any of the disclosed formulations or crude drugs are capable of inhibiting angiogenesis. Accordingly, Applicants believe that the claimed method of claim 4, 12 and 19 are not anticipated by, or obvious over, the cited references.

Claims 6 and 8-11 depend from claim 4, and thus are patentable for at least the same reasons as claim 4. Claims 13 and 15-18 depend from claim 12, and thus are patentable for at least the same reasons as claim 12. Claims 20-25 depend from claim 19, and thus are patentable for at least the same reasons as claim 19.

Conclusion

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The

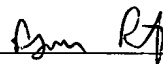
Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.


The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5569
Facsimile: (202) 672-5399

By  Ry # 59,549

 Stephen B. Maebius
Attorney for Applicants
Registration No. 35,264